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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,474	10/22/2002	Susumu Ando	SIMTEK6477	5659
25776	7590	05/03/2004	EXAMINER	
ERNEST A. BEUTLER, ATTORNEY AT LAW 10 RUE MARSEILLE NEWPORT BEACH, CA 92660			LAM, THANH	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/065,474	Applicant(s) ANDO ET AL.	
	Examiner Thanh Lam	Art Unit 2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 9-12, 14, 15 and 17 is/are rejected.
- 7) ☐ Claim(s) 5, 7, 13 and 16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4,6-7,9-12,14-15, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Nashiki (6,285,104).

Regarding claim 1, Nashiki discloses a permanent magnet type rotary electric machine of reduced cogging torque, said machine having a permanent magnet element comprised of a plurality of permanent magnets of alternate polarity in a circumferential direction, said permanent magnets (pm1) being of substantially the same shape and disposed circumferentially at equal intervals, an armature element (fig. 6) juxtaposed to said permanent magnet element and having a number of circumferentially spaced core teeth around which coils are wound, said core teeth defining a number N of slots therebetween, said permanent magnet element and said armature element being supported for relative rotation, the circumferential magnet angle made by each of said permanent magnets with respect to the axis of relative rotation producing a cogging number that is an integral multiple substantially greater than the least common multiple of the number of slots S and the number of poles P.

Regarding claim 7, Nashiki discloses (see figs. 1-16) a permanent magnet type rotary electric machine of reduced cogging torque, said machine having a permanent

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magnet element comprised of a plurality of permanent magnets of alternate polarity in a circumferential direction, said permanent magnets being of substantially the same shape and disposed circumferentially at equal intervals (pm1), an armature element (fig. 6) juxtaposed to said permanent magnet element and having a number of circumferentially spaced core teeth around which coils are wound, said core teeth defining a number N of slots therebetween, said permanent magnet element and said armature element being supported for relative rotation, the magnitudes of torque exerted on the permanent magnets of N and S poles of the rotor are selected so that both of the torque values substantially cancel each other (col. 10, lines 4-45).

Regarding claims 2-4, and 6, it is noted that Nashiki discloses all the features as recited in the claims.

Regarding claims 9-12, 14-15, and 17, the method therein is given by the apparatus of Nashiki.

3. Claims 1-4, 6-7, 9-12, 14-15, and 17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Arita (4,812,692).

Arita discloses all the aspects of the claimed invention (see figs. 1, 3-6).

Allowable Subject Matter


4. Claimclaims 5, 8, 13, 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh Lam whose telephone number is (571) 272-2026. The examiner can normally be reached on m-f 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren E Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Thanh Lam
Primary Examiner
Art Unit 2834